

REMARKS

Amendments to the Claims

Support for the amendment to claims 1 and 7 is found in original paragraphs 27, 29, 31, and 39.

35 U.S.C. §112, second paragraph

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is held confusing as line 2 defines “the caverns as being in a single block whereas line 3 describes the caverns as being in an adjacent blocks.” Claim 9 has been amended to recite that one cavern in each series is formed in a single tread block, with the adjacent caverns in the series being formed in adjacent tread blocks – thus, one cavern per block with the series being in adjacent blocks, as seen in Figures 4 and 5 of the application.

35 U.S.C. § 102

French 970

Claims 1, 3-9 and 11 have been rejected under 35 U.S.C. § 102(a) as being anticipated by French 970 (FR 2929970). This rejection is respectfully traversed for the following reasons.

French 970 fails to anticipate, suggest, or teach tread constructions as presently recited. Specifically, while French 970 discloses that the transverse holes may be polygonal in configuration, there is no suggestion that such a configuration would inherently have a base parallel to the tread surface or that the base would be provided with an indicator to indicate the state of wear of the tread.

As French 970 fails to anticipate the invention as recited in claims 1, 3-9 and 11, it is respectfully requested that this rejection be withdrawn.

Kornelis et al

Claims 1, 3, 6, 7, 9 and 12-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kornelis et al (WO 00/66372). This rejection is respectfully traversed for the following reasons.

Kornelis fails to anticipate, suggest, or teach tread constructions as presently recited. Specifically, while Kornelis discloses that a set of oblong indentations along the side of a tread lug, there is no suggestion that such a configuration would inherently have a base parallel to the tread surface or that the base of the indentations would be provided with an indicator to indicate the state of wear of the tread.

As Kornelis et al. fails to anticipate the invention as recited in claims 1, 3, 6, 7, 9 and 12-14, it is respectfully requested that this rejection be withdrawn.

Japan 812

Claims 1 and 2 have been rejected under 35 U.S.C. 102(b) as being anticipated by Japan 812 (JP 10-076812). This rejection is respectfully traversed for the following reasons.

Japan 812 fails to anticipate, suggest, or teach tread constructions as presently recited. Specifically, while Japan 812 discloses undercuts in the blocks, there is no suggestion of providing the undercut with an indicator to indicate the state of wear of the tread.

As Japan 812. fails to anticipate the invention as recited in amended claim 1, it is respectfully requested that this rejection be withdrawn.

Japan 711

Claims 1-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Japan 711 (JP 10-315711). This rejection is respectfully traversed for the following reasons.

In the Office Action, it is held that the slots of Japan 711 anticipate the recited caverns and tread configurations. It is stated that the slots may have an elliptical/concave shape anticipating the claims.

Applicants disagree. In forming the slots of Japan 711, the slots have a height of .5-.8 times the height of the tread block, and a width and depth of .1-.3 times the groove width. Japan 711 teaches that alternative to the “slot” shape having a flat base as shown in the figures, the opening may be elliptical with it being important that the opening is “constituted as a hollow of small concave in short.” The term “concave” is not being used to define a particular shape, but just that the opening is a shallow configuration into the block wall. When forming the slots as elliptical shapes, due to the desired height, depth, and width of the opening, the major axis of the ellipse is in the radial direction, and the base of the elliptical opening would be curved, and not parallel to the tread surface as recited.

Additionally, Japan 711 is silent about the slots, in any shape, being provided with an

indicator as recited. In the office action, it is held that the height of the slot base provides information with regard to wear. Amended claims 1 and 7 recite that the cavern base has an indicator in the form of a numeral, a numerical fraction, a symbol, or color to indicate wear. Japan 711 fails to disclose such a structure to the slots.

As Japan 711 fails to anticipate the invention as recited in the claims, it is respectfully requested that this rejection be withdrawn.

Japan 414

Claims 1, 3-9 and 12-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Japan 414 (JP 2000-289414). This rejection is respectfully traversed for the following reasons.

Japan 414 disclose a tire having a tread with a wear detection section consisting of a “line, or the pattern and notation” wherein the notation is a figure, alphabet, or number. The line and notation are “imprinted by the tire front face at the time of tire vulcanization” and are formed as either concave or convex – meaning that the lines and notations are either indented into the tread wall or raised from the wall surface.

Japan fails to teach or disclose a wear indicator having a cavern shape with a flat base parallel to the tread surface wherein the indicator is formed on the base of the cavern indentation in the side of the tread element.

As Japan 414 fails to anticipate the invention as recited in claims 1, 3-9 and 12-14, it is respectfully requested that this rejection be withdrawn.

Ohsawa

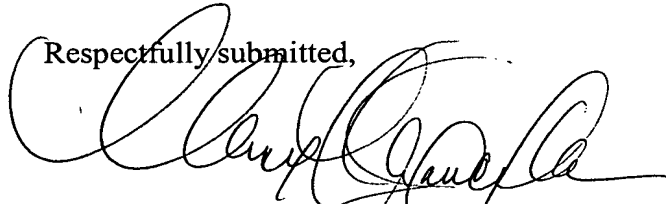
Claims 1, 3, 6, 7, 9 and 11 have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ohsawa (US 2001/0032691). This rejection is respectfully traversed for the following reasons.

Ohsawa fails to anticipate, suggest, or teach tread constructions as presently recited. Specifically, while Ohsawa discloses sets of elongated diamonds in the sides of the tread elements, there is no suggestion that such a configuration would inherently have a base parallel to the tread surface or that the base of the indentations would be provided with an indicator to indicate the state of wear of the tread.

As Ohsawa fails to anticipate the invention as recited in claims 1, 3, 6, 7, 9 and 11, it is respectfully requested that this rejection be withdrawn.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



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